IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8305 OF 2005

Mr.Arun Seth & Anr. ...Applicants

Versus

G.H.Desai (HUF) & Ors. ...Respondents

.....

Mr.Ranjit Bhosale i/b Mr.K.N.Shriyan for Applicants.

Mrs.M.M.Deshmukh, A.P.P. for Respondent No.7.

.....

CORAM: A.M.KHANWILKAR, J.

DECEMBER 21, 2005.

P.C.

1. Not on Board. Upon mentioning, taken on Board.

2. Heard. The grounds raised before this Court can be effectively answered by the Revisional Court.

3. As alternative efficacious remedy is available to the Applicants by way of revision

before the Sessions Court in view of the decisions of this Court in the cases of **V.K.Jain & Ors. vs. Pratap V.Padode reported in 2005(3) Mh.L.J. 778**, and in the unreported decision **in the case of Chetan R.Nagda & Ors. vs. N.D.Pawar & Anr. in Criminal Writ Petition No.1023 of 2005 dated 8th December 2005**, no interference is warranted.

4. This Application is disposed of with liberty to take recourse to remedy of revision, if so advised. All questions are left open.

5. The Applicants to file such Revision Application within four weeks from today. Till such time, no precipitative action be taken against the Applicants. Revision Application, if filed within four weeks from today, be considered on its own merits in accordance with law.

6. In case, there is any delay in filing Revision Application, Court will take into account the fact that the Applicants had first approached this Court, which period may be excused in computing delay.

7. Application disposed of on the above terms.

A.M.KHANWILKAR, J.